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1 going to be out. He -- I didn't know what was going 2 on with him. I was very concerned for his health, 3 almost to the point that I was ready to do a 4 wellness check on him if I didn't hear from him. 5 And I reached out to staff that knew him personally, 6 and I also reached out to his brother Joshua and was 7 finally able to verify that he had been in the 8 hospital, and someone doesn't go in the hospital if 9 they're doing well.	1 have due to their medical condition. So if their 2 current certification doesn't capture that 3 information, we always want them to go back and have 4 them recertify with their provider so that we're 5 making sure that their FMLA coverage covers any type 6 of need they might have. 7 It's better for an employee -- for a 8 provider to overestimate what they'll need than to 9 underestimate it, because then if the employee needs 10 that coverage, they don't have it. We would still 11 approve it, of course, because we always err on the 12 side of caution with FMLA. 13 Say somebody invoked outside the 14 parameters of the current FMLA, we wouldn't deny 15 that, because we take care of our employees at the 16 Department of Health, and we're the Department of 17 Health. Instead of us just denying that, we would 18 say, oh, you need to -- when you're able to, you 19 need to recertify with your provider, because it 20 looks like your medical needs have increased, and we 21 want to make sure your FMLA captures everything 22 you'll need under that coverage.	
10 So again, that's some of that information 11 I was talking about in this email from April 24. 12 Again, we were all -- all of us -- all of 13 us in HR, not just my team but our director and all 14 of the staff that worked closely with Jeremy, 15 because we knew about his serious medical 16 conditions, most of them, anyway, because he talked 17 about them with everybody. It's not our information 18 to share. So when Jeremy was out in the early 19 spring of 2020, we -- we were all very concerned 20 about his health. 21 Q. And when he returned to work, what 22 happened? 23 A. When he returned to work, he was very 24 frail, and we were even more concerned about his 25 health, and he was having trouble talking. He had	23 MS. ACKERMANN: Heather, we're at twelve 24 o'clock. Would this be a good time to take a break 25 for lunch? Do you want to do, like, 20 minutes or a	
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1 lost quite a bit of weight, and we were very alarmed 2 at his appearance when he came back to work. 3 So we -- so my boss and myself, Teresa 4 Padilla, who's the HR human resource bureau 5 director, she's over the entire bureau, so we 6 decided we needed to meet with Jeremy to make sure. 7 One thing I discovered was that his 8 FMLA -- he needed to submit new FMLA, because they 9 were -- his FMLA had exhausted, and plus his old 10 FMLA certifications didn't meet his current needs. 11 So anytime you see someone invoking FMLA, and it's 12 exceeding those needs described by the provider, you 13 always want to make sure that you talk to the 14 employee, because in those cases where -- for 15 example, since we were talking about intermittent 16 FMLA, say somebody had coverage for flareups two to 17 three times a week lasting up to one day per 18 episode, say they invoked FMLA for a flareup for 19 five days a week, and they were out continuously 20 five days, that's beyond the information the 21 provider gave the department, so it's -- that 22 usually happens when somebody's medical needs have 23 increased. 24 And we always want to make sure that FMLA 25 coverage captures any type of need that they will	1 half-hour, or what are you thinking? 2 MS. BURKE: Well, I think, David said he 3 was good without a lunch. We talked about if you 4 just wanted a ten-minute break. Is that what you 5 wanted at noon? If you want 15 or 20, we can do 6 that. 7 MS. ACKERMANN: If we can, can we do till 8 12:20? 9 MS. BURKE: That's fine. We're off the 10 record, please. 11 (Recess was taken from 12:00 to 12:20.) 12 Q. (By Ms. Burke) Do you remember the last 13 thing that we discussed? So you said Teresa Padilla 14 suggested that you meet with Jeremy; is that 15 correct? 16 A. No, Teresa didn't suggest we meet with 17 Jeremy. We talked about meeting with Jeremy. It 18 was like a mutual decision that we agreed we should 19 meet with Jeremy. 20 Q. Okay. When did that meeting take place? 21 A. Oh, I -- it was -- I think it was in 22 March, Heather. I don't know for sure when that 23 meeting took place. I actually went back -- I 24 actually went back through my notes in a notebook to 25 see if I had written down that date of that meeting.	